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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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JUL 17 1996

CC Docket No. 92-77

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
)

Billed Party Preference for)
InterLATA O+ Calls)
)
)

COMMENTS OF INMATE CALLING SERVICES PROVIDERS COALITION

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SUMMARY

The Inmate Calling Services Providers Coalition ("Coalition") hereby submits its comments in response to the Commission's Second Further Notice of Proposed Rulemaking, FCC 96-253 (June 6, 1996) ("Notice").

In the Notice, the Commission acknowledges that, as the record in this proceeding clearly demonstrates, the costs of Billed Party Preference ("BPP") far outweigh its benefits. The Commission thus tentatively concludes that it should instead look to rate benchmarks to address what it perceives to be the problem of excessive operator service rates. The Coalition strongly supports that conclusion.

Yet the Commission is still apparently considering BPP as an option in confinement facilities -- the one environment to which BPP is most ill-suited. As the record in this proceeding reflects, BPP would have a tremendously negative effect not just on confinement facilities, but also on the very group the Commission seeks to help -- inmates and their families.

Over the last four years, the Commission has received literally hundreds of comments and letters from prison and jail officials that make it clear that BPP is unworkable in the inmate calling environment. The Commission should not second guess those officials.

The Coalition shares the Commission's concern that a small minority of ICSPs are charging rates that may be unnecessarily high. The Commission should address this

problem not through the application of BPP to the inmate environment – where it cannot and will not work – but by establishing a reasonable benchmark for inmate calling rates.

The Coalition agrees with the Commission's tentative conclusion that the benchmark should be set at 115% of the average rates charged by AT&T, MCI, and Sprint (the "Big Three"), in this case their rates for inmate 0+ collect calls. Alternatively, if the Commission prescribes a \$.90 compensation charge for all inmate calls, the benchmark should be set at 115% of the Big Three's non-inmate rates.

Having established a benchmark, the Commission must put into place measures to ensure compliance. In the Notice, the Commission tentatively concludes that a price disclosure requirement is one way to encourage OSPs to charge rates at or below the benchmark. The Commission expresses the concern, however, that price disclosure will be ineffective in the inmate environment. As discussed more fully below, the Coalition believes that the Commission is incorrect; price disclosure will play an important role in preventing overcharging by ICSPs. More importantly, however, the Coalition believes that the Commission should encourage compliance with the benchmark by requiring cost support for all rates above the benchmark. In addition, the Commission should mandate LEC bill-screening of inmate call billing records and require LECs to bill only for those records complying with the benchmark.

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COMMENTS OF INMATE CALLING SERVICES PROVIDERS COALITION

The Inmate Calling Services Providers Coalition ("Coalition") hereby submits its comments in response to the Commission's Second Further Notice of Proposed Rulemaking, FCC 96-253 (June 6, 1996) ("Notice") in the above-captioned proceeding.

The Coalition is an ad hoc coalition of companies that provide highly specialized telephone equipment and services to inmates in confinement facilities. The Coalition's members¹ range in size from the nation's largest independent provider of inmate calling services to small companies serving only a handful of confinement facilities. They share in common the desire to offer the highest possible level of service to confinement facilities and inmate callers at rates that are both fair and that provide a reasonable return on investment.

Many of the Coalition's members are also members of the American Public Communications Council, Inc. ("APCC"), which is the national trade association of the independent payphone industry. The Coalition joins in APCC's comments in this

¹ The Coalition's members include AmeriTel Pay Phones, Inc., Communications Central Inc., Correctional Communications Corporation, Inc., InVision Telecom, Inc., M.O.G. Communications, Inc., Pay Tel Communications, Tataka and TELEQUIP Labs, Inc.

proceeding to the extent that those comments are consistent with the positions taken herein.

I. THE COMMISSION'S CONCLUSION THAT IT SHOULD PURSUE ALTERNATIVES TO BILLED PARTY PREFERENCE IS CORRECT

In the Notice, the Commission acknowledges that, as the record in this proceeding clearly demonstrates, the costs of Billed Party Preference ("BPP") far outweigh its benefits.² The Commission thus tentatively concludes that it should instead look to rate benchmarks to address what it perceives to be the problem of excessive operator service rates.³ The Coalition strongly supports that conclusion.

Yet the Commission is still apparently considering BPP as an option in confinement facilities -- the one environment to which BPP is most ill-suited. The Inmate Calling Services Providers Task Force ("Task Force"), a group whose membership substantially overlaps with the Coalition's, submitted numerous comments, reply comments, and ex parte filings in earlier phases of this proceeding explaining why BPP is completely unworkable in the inmate environment. Rather than repeat those arguments in their entirety yet again, the Coalition instead attaches the Task Force's Further Comments⁴ and Further Reply Comments⁵ filed in response to the Commission's Further Notice of Proposed Rulemaking, FCC 94-117 (June 6, 1994) in this proceeding. The Coalition adopts those comments and incorporates them herein. As those earlier

² Notice, ¶¶ 2-4.

³ Id.

⁴ Further Comments of the Inmate Calling Services Providers Task Force, CC Docket 92-77, filed August 1, 1994 (attached as Exhibit 1).

⁵ Further Reply Comments of the Inmate Calling Services Providers Task Force, CC Docket 92-77, filed September 14, 1994 (attached as Exhibit 2).

comments explain, BPP would have a tremendously negative effect not just on confinement facilities, but also on the very group the Commission seeks to help -- inmates and their families.

A. BPP Would Undermine the Security and Call Control Needs of Confinement Facilities

As set forth more fully in the attached comments, confinement facilities require an extensive series of specialized controls over inmate calling. Those call controls serve to prevent or deter such abuses as the harassment of witnesses and jurors, and the use of inmate calling systems to engage in criminal activity. They also play a significant role in reducing the level of fraudulent inmate calling. At the same time, the call controls provide inmates with improved access to phones by eliminating the need for direct supervision of inmate calling and by regulatory call length and frequency to ensure that all inmates have an opportunity to make calls.

In the Notice, the Commission acknowledges the need for these call controls and other security measures.⁶ Now the Commission must recognize the fundamental incompatibility of those needs and BPP.

If inmate calls were allowed to go to any carrier, as BPP would require, confinement facilities would lose any meaningful control over inmate calls once those calls were placed into the public network. The carrier handling the call would have no contractual obligation to honor the calling restrictions placed on inmate calling at the facility level. Even if the carrier was willing to cooperate and was able to identify the

⁶ See Notice, ¶ 48 n. 125 (recognizing need for call-blocking, limiting calling to pre-approved numbers, call rationing, and call recording and monitoring).

call as coming from a confinement facility, relatively few of the hundreds of carriers to which inmate calls might be routed are likely to have the specialized equipment and/or network functionality needed to correctly process inmate calls. Finally, there would be no assurance that the selected⁷ carrier's operators are trained to appropriately handle a call from a confinement facility. Inmate callers would quickly learn to take advantage of undertrained operators to commit fraud and gain uncontrolled access to the public network.

In summary, BPP is completely inconsistent with the call control needs of confinement facilities. If adopted, it would almost certainly lead to a drastic increase in telephone harassment, fraudulent calling, and other illegal activity by inmates.

Over the last four years, the Commission has received literally hundreds of comments and letters from prison and jail officials that make it clear that BPP is unworkable in the inmate calling environment. The Federal Bureau of Prisons and the Departments of Corrections of at least thirty states are on record in this proceeding as opposing BPP. As the Attorney General of the United States stated:

Billed Party Preference . . . would require prisons and jails to change systems currently used to screen and block inmate telephone calls. The Bureau of Prisons and a number of correctional facilities believe that [BPP] would seriously impact their ability to control inmate calls, resulting in increased criminal activities over the telephone. I urge you not to apply the new rule to correctional facilities.⁸

⁷ Under BPP, a collect call would be required to be routed to the carrier presubscribed to the dialed number. Recipients of inmate calls would quickly learn to presubscribe to carriers that are less well-equipped to detect and prevent fraudulent manipulation of their services.

⁸ Ex parte letter dated October 31, 1994 from Janet Reno, Attorney General of (Footnote continued)

The Commission should not trample over the views of those confinement facility administrators and correctional officials. They -- far more so than the Commission -- understand the security issues associated with inmate calling and are in the best position to assess the effect of BPP on the security and safety of their facilities. The Commission should not second guess them.

The courts have long recognized the need to exercise restraint on issues pertaining to prison administration: "a federal judge is not a warden and substantial deference must be accorded state prison authorities in the management of correctional facilities."⁹ Just as a federal judge is not a warden, neither is the Commission. The Commission must respect and defer to the decisions that prison officials make in the administration of their facilities. In this case, that means that the Commission should not force BPP on confinement facilities over the objection of facility administrators and corrections officials.

B. Billed Party Preference Will Hurt the Very Parties that the Commission Believes it Will Help -- Inmate Callers and Their Families

Not only will BPP be bad for confinement facilities, it will also be bad for inmates. Currently, most confinement facilities contract with a single ICSP for the provision of inmate calling equipment and the carriage of inmate traffic. BPP, however, will destroy the ability of ICSPs to recover their costs for maintaining their calling systems by eliminating their revenue from inmate traffic. As a result, many, if not most,

(Footnote continued)

the United States, to FCC Chairman Reed Hundt, transmitting comments of the Federal Bureau of Prisons and the DOJ Office for Victims of Crime, opposing BPP.

⁹ Baker v. Holden, 787 F. Supp. 1008, 1015 (D.Utah 1992).

ICSPs will be driven out of business. Since the confinement facilities lack the resources to install, operate and maintain their own inmate calling systems, they will be forced to return to the methods of supervising inmate calling that they used before the development of automated inmate calling systems. Typically, this meant direct supervision of all calls by a corrections officer and strict limits on the length and number of calls an inmate could make. Under this system, it was not unusual for an inmate to be limited to as few as one or two calls a week.

In addition, BPP would have a devastating effect on the funding for important inmate support programs. As the record in this docket reflects, confinement facilities typically use the commissions they receive from ICSPs to fund programs such as continuing education, vocational training, and drug and alcohol abuse counseling. If this revenue dries up as a result of ICSPs losing traffic to other carriers, it is unclear that an alternate source of funding would be found for those programs, given the financial crisis that many confinement facilities currently face.

Finally, BPP would not, as its proponents claim, produce significant benefits for inmates and their families. The main perceived benefit of BPP for inmates and their families is the possibility of lower rates on certain calls. That benefit, however, is likely illusory. The record in this proceeding reflects the enormous cost of instituting BPP in the inmate environment.¹⁰ It is likely that the recipients of inmate collect calls would bear that cost, through a BPP charge added to the rates for such calls to pay for the new

¹⁰ If BPP was applied only to inmate calls, the per-call costs imposed on inmates and their families would be even greater, because a major portion of BPP's costs are fixed and would be spread among far fewer parties.

service. Thus, BPP may very well not result in any general reduction of the rates for inmate calls. Rather, there is a significant possibility that a good number of inmate families and others who pay the collect charges for inmate calls would actually see their rates increase, not decrease, under BPP.

* * *

In sum, the costs of BPP are clear. BPP would: (1) be tremendously expensive to implement; (2) lead to a marked decrease in the security of confinement facilities; (3) increase the risk of harassment and other criminal activity; (4) make it much harder to deter fraudulent calling; and (5) drastically reduce the access of inmates to calling opportunities. By contrast, it is far from certain that its only possible benefit – a reduction in inmate calling rates – would materialize. Implementing BPP in the inmate environment would be a gross mistake.

II. THE COMMISSION SHOULD INSTEAD ESTABLISH A RATE BENCHMARK FOR INMATE 0+ COLLECT CALLS AT THE AVERAGE OF AT&T, MCI AND SPRINT'S INMATE RATES PLUS 15%

The Coalition shares the Commission's concern that a small minority of ICSPs are charging rates that may be unnecessarily high.¹¹ The Commission should address this problem not through the application of BPP to the inmate environment -- where it cannot and will not work -- but by establishing a reasonable benchmark for inmate calling rates.

¹¹ Notice, ¶ 48 n. 123.

A. Establishing a Benchmark is an Appropriate Regulatory Approach to Curtailing Overcharging for Inmate 0+ Calls

In the Notice, the Commission tentatively concludes that a rate benchmark – not BPP – is the best way to address the problem of general OSP overcharging.¹² There is no reason that the Commission should not adopt the same approach for the inmate calling environment.

A benchmark would be the most efficient mechanism for addressing the problem of overcharging on a small fraction of inmate calls because it would allow the Commission to specifically target only the small group of ICSPs who are overcharging. BPP, by contrast, would require a complete overhaul of the inmate calling industry, even though only a small fraction of inmate calls incur excessive rates.

B. The Benchmark Rate Should Be Set at the Average of AT&T, MCI and Sprint's Inmate 0+ Collect Rates Plus 15%

The Coalition agrees with the Commission's tentative conclusion that the benchmark should be based on an average of the rates charged by AT&T, MCI, and Sprint (the "Big Three"), in this case their rates for inmate 0+ collect calls.¹³ Such a benchmark would, as the Commission recognizes, be consistent with consumer expectations.¹⁴ It would also have the benefit of being simple to administer.

The Coalition also agrees with the Commission's tentative conclusion that the benchmark should be set at 115% of the Big Three's average rate for inmate 0+ collect

¹² Id., ¶ 3.

¹³ Id., ¶ 23.

¹⁴ Id.

calls.¹⁵ As the Commission states, the additional 15% is necessary because not all carriers have the same costs.¹⁶ Some ICSPs may need to exceed the Big Three's rates in certain instances. For example, some ICSPs may offer enhanced or additional services beyond those offered by the average provider. In addition, smaller providers and new entrants may have higher costs either because they do not have the advantage of economies of scale, or because they are serving a narrow niche market where costs are naturally higher.

In the Commission's companion proceeding regarding payphone compensation in Docket 96-128, the Coalition has demonstrated that the Commission must establish a \$.90 per call inmate system compensation charge to ensure "fair compensation" for inmate 0+ collect calls as required by Section 276.¹⁷ If the Commission adopts that \$.90 compensation charge, then the benchmark rate should be set at the Big Three's non-inmate rates plus 15%. Each of the Big Three's tariffs reflects a \$.90 differential between their inmate and non-inmate 0+ collect call rates that covers the costs of the call controls required for inmate calling.¹⁸ If the Commission mandates a \$.90 compensation charge for all inmate calls, then there would be no need for the compensation element built into the Big Three's inmate rates.¹⁹

¹⁵ Id.

¹⁶ Id.

¹⁷ See Comments of the Inmate Calling Services Providers Coalition, CC Docket 96-128, filed July 1, 1996 at 13-16.

¹⁸ See Reply Comments of the Inmate Calling Services Providers Coalition, CC Docket 96-128, filed July 1, 1996 at 6.

¹⁹ In Comments filed in Docket 96-128, Gateway Technologies, Inc. accuses the Coalition of seeking a \$.90 compensation charge in addition to the \$.90 element included in the Big Three's inmate rates. Reply Comments of Gateway Technologies, Inc., filed July 15, 1996 at 9. Gateway completely mischaracterizes the Coalition's position. The Coalition is not seeking the same \$.90 twice.

III. NO COMMISSION HAS SEVERAL VIABLE OPTIONS FOR ENFORCING THE BENCHMARK

Having established a benchmark, the Commission must put into place measures to ensure compliance. In the Notice, the Commission tentatively concludes that a price disclosure requirement is one way to encourage OSPs to charge rates at or below the benchmark.²⁰ The Commission expresses the concern, however, that price disclosure will be ineffective in the inmate environment. As discussed more fully below, the Coalition believes that the Commission is incorrect; price disclosure will play an important role in preventing overcharging by ICSPs. More importantly, however, the Coalition believes that the Commission should encourage compliance with the benchmark by requiring cost support for all rates above the benchmark. In addition, the Commission should mandate LEC bill-screening of inmate call billing records and require LECs to bill only for those records complying with the benchmark.²¹

A. Heightened Scrutiny of Rates that Exceed the Benchmark

One way to enforce the benchmark is for it to function as a "safe harbor." ICSPs filing tariffs at or below the benchmark would have very minimal filing requirements. Moreover, such rates would go into effect with a one-day notice period, as is the case today. Most significantly, such rates would be presumptively just and reasonable. Any party challenging rates at or below the benchmark would face a high burden of proof.

²⁰ Notice, ¶ 35.

²¹ Id., ¶ 49.

In contrast, any carrier filing tariffs above the benchmark would be required to file data supporting the rate as cost-justified. Moreover, any above-benchmark rate would be subject to a longer (e.g. 60 days) notice period before becoming effective so that the Commission would have ample time to review the submission and, if appropriate, suspend and investigate the rate. To assist in the review process, the Commission could also provide a special classification for inmate calling tariffs in its public notices announcing tariff filings.

The Coalition is sensitive to the fact that it would be administratively burdensome if the Commission is forced to conduct numerous rate proceedings as a result of the benchmark. The Coalition believes, however, that the vast majority of those ICSPs who may currently be charging in excess of the benchmark would quickly bring their rates within the benchmark in order to avoid a costly rate proceeding.

Confinement facilities will also play a key role in policing ICSP rates. Facility administrators are increasingly requiring that their ICSPs adhere to contractual rate caps. A benchmark would provide a guideline for facility administrators to follow in setting those caps. In addition, a benchmark would encourage those facilities that currently do not require rate caps to begin to do so. The Coalition would be more than willing to assist the Commission in informing confinement facilities about the benchmark and educating them as to the benefits of requiring their providers to comply with the benchmark.

To prevent unscrupulous ICSPs from circumventing the benchmark by not filing tariffs, or by charging other than their tariffed rates, the Commission should

announce that it will aggressively pursue any such rule violators. It should issue a stern warning that it will levy the maximum penalties against any ICSP which is found to have circumvented the benchmark.

B. Mandatory Disclosure of Rates that Exceed the Benchmark

The Coalition also agrees with the Commission's tentative conclusion that it should require oral disclosure of rates in excess of the benchmark.²² Since in the inmate environment all calls are collect, the disclosure should be made to the called party. This will not be administratively burdensome because most ICSPs currently announce at the start of a call that it is a collect call from a confinement facility. Any ICSP charging rates in excess of the benchmark would simply add a price disclosure statement to that message.

In the Notice, however, the Commission tentatively concludes that a disclosure requirement will not be particularly helpful for calls from confinement facilities because inmate callers have no ability to dial-around to a carrier other than the one selected by the confinement facility.²³ This, however, fails to take into account that the called party, once armed with the rate information provided by the disclosure, will be in a better position to decide how often and for how long he or she will accept calls from the inmate. This, in turn, is likely to discipline inmate calling where the called party believes the rates to be excessive. A price disclosure message will also trigger called parties to investigate what they believe to be excessive rates. This is important because,

²² Notice, ¶ 35. The Coalition opposes requiring disclosure on all calls. On-line rate disclosures are expensive to provide. On calls that do not exceed the benchmark, disclosures are of little or no utility, and would add unnecessarily to ICSPs' expenses.

²³ Id., ¶ 49.

at the present, called parties are often unaware of the rates for inmate calls until they receive a bill, often after the inmate has been released. If recipients of inmate calls have timely information regarding rates, they will be able to take appropriate action before it is too late.

Moreover, if the disclosed rates are so high that it leads to a reduction in the amount of inmate calling, this will likely lead to the carrier adjusting its rates. In summary, rate disclosures can play an important part in ensuring that ICSPs comply with the benchmark.

C. LEC Bill Screening of Calls Over the Benchmark

The Commission should also mandate that the LECs screen the call records sent by ICSPs²⁴ for billing, and only bill for calls complying with the benchmark. Under such bill-screening, non-complying calls would be sent back to the billing ICSP. At that point, the ICSP would have two options. First, it could choose to conform the call to the benchmark rate and resubmit it to the LEC for billing. Second, the ICSP could choose to bill and collect for the call directly. Given the often prohibitive cost of direct billing, this would provide a strong incentive for ICSPs to charge rates at or below the benchmark.

Such a program is currently in place in California for all intrastate non-coin calls made from independent payphones.²⁵ Pursuant to its tariff, Pacific Bell reviews billing reports and rejects any intrastate non-coin call which exceeds the maximum

²⁴ This would apply both to independent ICSPs and the LECs' inmate divisions.
²⁵ See Pacific Bell Tariff Advice Letter (attached as Exhibit 3).

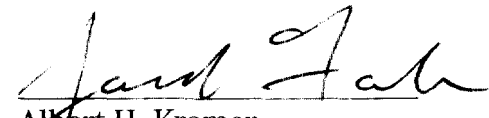
allowable rate for the particular category of call. Any call records charging more than the maximum allowable rate are returned to the carrier.

IV. CONCLUSION

BPP is not an option in the inmate environment. It would lead to a drastic increase in telephone harassment, fraudulent calling and other criminal activity by inmates. BPP would also hurt the very parties the Commission believes it will help -- inmates and their families. It will diminish inmate access to phones and may result in an increase in inmate calling rates, rather than the decrease projected by the Commission.

Instead, the Commission should establish a rate benchmark for inmate 0+ collect calls of 115% of the Big Three's inmate 0+ collect rate (or 115% of the Big Three's non-inmate rates if the Commission prescribes a \$ 90 compensation charge for all inmate calls). The Commission should enforce the benchmark through (1) heightened scrutiny of over-benchmark rates; (2) requiring price disclosure on all calls over the benchmark rate; and (3) requiring that LECs not bill for any calls over the benchmark.

Respectfully submitted,



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FURTHER COMMENTS OF THE
INMATE CALLING SERVICES PROVIDERS TASK FORCE

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Dated: August 1, 1994

SUMMARY

The Inmate Calling Services Providers Task Force ("ICSPTF") of the American Public Communications Council ("APCC") is an organization comprised of companies that provide specialized inmate calling systems, administer those systems and carry inmate calls. The Commission's Further Notice of Proposed Rulemaking (FNPRM) in this docket seeks additional comment on whether billed party preference (BPP) should apply to inmate calls. Both the record that has been compiled to date, and the record that is currently being compiled, demonstrate that BPP should not apply to inmate institutions.

First, because of the unique circumstances involving prison and jail administration, the Commission should defer to prison and jail officials on decisions relating to the management of their facilities, including how they manage inmate calling and which carrier they choose to handle inmate calls. The federal courts have long recognized the need to defer to prison officials on decisions of this sort. The Commission should follow the courts' lead and refrain from regulating prison administration by requiring BPP at inmate facilities.

Second, the Commission has already recognized that inmate phones raise "exceptional considerations" that warrant their exclusion from any Commission regulation. The same "exceptional considerations" that warranted that decision are also present here. The Commission should abide by its previous ruling and exempt inmate phones from BPP.

Third, the record clearly indicates that BPP will hamper the ability of prison and jail officials to adequately control inmate calling. BPP would destroy the economic base for specialized inmate calling systems; take away the revenue stream that supports the administration of those systems; and prevent prison and jail officials from routing inmate calls to a carrier they know is qualified to handle inmate calls and legally obligated to honor the facilities' call restrictions.

Fourth, BPP would diminish the ability of prison and jail officials to exercise needed control at prisons by reducing inmate access to phones. Inmate rehabilitation efforts would suffer, and the revenue stream supporting important inmate programs, such as drug rehabilitation, family visitation, and vocational training would also disappear.

Fifth, the record lacks sufficient clarity and concreteness regarding certain theories suggesting how multiple carriers could control inmate calling fraud in a BPP environment. It is nevertheless clear that any of the measures, if ultimately applied, would create substantial costs throughout the network -- costs that the Commission has failed to consider in its BPP analysis. Moreover, there are significant questions about their potential effectiveness, particularly when compared to the fraud control procedures that ICS providers follow.

Finally, the Commission has failed to analyze the costs of requiring BPP for inmate calls versus the only potential (and unlikely) benefit that BPP could bring to this form of calling --

reduced rates on some inmate calls. The Commission clearly must conduct such an analysis before it can consider applying BPP to inmate phones. It is nonetheless apparent that the costs of applying BPP to inmate facilities would substantially outweigh and alleged "savings" from reduced charges from some calls, particularly when the likelihood of that benefit occurring is scrutinized.

Indeed, a significant number of inmate call recipients are already the beneficiaries of rate caps that correctional officials impose in their contracts with ICS providers. Moreover, a close examination of the record reveals that the lowering of inmate calling rates is not a primary concern of the carriers supporting BPP at inmate institutions. Several carriers have made it clear that the reason they support BPP for inmate calls is because inmate calls would prove to be a guaranteed source of BPP's overall cost recovery. Moreover, considering the significant possibility that the use of access codes by other potential users of BPP will rise, inmate families and other who receive inmate calls may be left to pick up a substantial portion of BPP's enormous tab.

To the extent there is a need for rate adjustments for calls originating at certain inmate facilities, ICSPTF recommends that the Commission adopt a firm benchmark for reasonable inmate calling rates. Providers who charge rates that exceed that benchmark should be forced to justify their rates. A benchmark would clearly cost less than BPP, would be more effective at

ensuring reasonable rates, and would avoid the need for the Commission to interfere with prison and jail administration.

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